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Handwritten: *Incoming*
c/025/0005

From: "Dragoo, Denise" <ddragoo@swlaw.com>
To: <daronhaddock@utah.gov>
CC: <johnbaza@utah.gov>, <cmccourt@etv.net>, <danadean@utah.gov>, <priscilla...
Date: 5/27/2008 4:58 PM
Subject: ALTON COAL DEVELOPMENT, LLC--Objection to SUWA's May 22, 2008 letter
Attachments: ALTON LTR TO DARON HADDOCK.PDF

Daron:

Attached on behalf of Alton Coal Development, LLC, is our additional objection to SUWA's untimely comments and request for informal conference on the Coal Hollow Mine Permit application. The original letter is in today's mail.

Thanks,

Denise

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May 27, 2008

Mr. Daron Haddock  
Utah Division of Oil, Gas and Mining  
1594 West North Temple  
Salt Lake City, Utah 84114

**RE: Alton Coal Development, LLC – Coal Hollow Mine, C/025/0005**

Dear Mr. Haddock:

On behalf of Alton Coal Development, LLC (“Alton Coal”), and in addition to the objection filed with Director John R. Baza on Friday, May 23, 2008, we continue to object to the Southern Utah Wilderness Alliance’s (“SUWA’s”) untimely comments and request for informal conference on the pending Coal Hollow Mine Permit Application No. C/025/0005. The public comment period on the legal notice for the permit application ended on Friday, May 16, 2008. SUWA’s comments and request for an informal conference were stamped “Received” by the Utah Division of Oil, Gas & Mining (“Division”) on May 22, 2008. Pursuant to R645-300-123.100 and 130, SUWA must have submitted comments and sought the informal conference within the public comment period, i.e., no later than Friday, May 16, 2008.

We understand that, consistent with R645-300-121.300, the Division provides certain governmental agencies until May 22, 2008 to provide comment. However, SUWA is not one of these governmental agencies and should not be singled out by the Division as the only member of the public to receive special treatment by being allowed to file comments after the public comment period has closed. The Division does not have discretion to allow SUWA to submit untimely comments, to request an informal conference or to participate in an informal conference when its comments and request were untimely. R645-300-123.100 and .300 specifically provide that a request for an informal conference “will... be filed with the Division no later than 30 days after the last publication of the newspaper advertisement required under R645-300-121.”

In sum, we request that the Division disregard SUWA’s untimely comments and requests. In the event that the Division holds an informal conference, SUWA should not be allowed to participate because they have failed to comply with the requirements of the Utah Coal Program. We appreciate your consideration in this matter. Please contact me if you have further questions.

Very truly yours,



Denise A. Dragoo

DAD:jmc:8811849

cc: John R. Baza (via e-mail)  
Chris McCourt (via e-mail)  
Dana Dean (via e-mail)  
Priscilla Burton (via e-mail)  
Steve Alder, Esq. (via e-mail)